

BRAIN INJURY RIGHTS GROUP

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January 19, 2024

VIA ECF

Hon. Lorna G. Schofield
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *Cornett et al. v. Banks et al.*: 23-cv-06893 (LGS)

Dear Judge Schofield:

As you may recall, the undersigned represents the Plaintiffs in the above-referenced matter. On January 18, 2024, the Court ordered Plaintiffs to file their (1) motion for summary judgment or request for an extension, and (2) status letter by January 19, 2024. [ECF No. 18].

The Court noted that "this matter was filed on August 4, 2023. On October 5, 2023, the Court adopted and ordered Plaintiff's proposed briefing schedule for the parties' cross-motions for summary judgment, commencing with Plaintiffs' motion on November 21, 2023. That filing date has been extended twice because the parties had not yet received the administrative record. The December 19, 2023, Order instructed Plaintiffs to file their motion by January 17, 2024. The Order also instructed Plaintiffs to file a status letter by December 22, 2023, on their efforts to secure timely access to the administrative record; WHEREAS, Plaintiffs have filed neither their status letter nor their motion for summary judgment. It is hereby ORDERED that by January 19, 2024, Plaintiffs shall file their (1) motion for summary judgment or request for extension and (2) their status letter. Failure to do so may result in dismissal for failure to prosecute." [ECF No. 18].

The undersigned respectfully apologizes for missing the January 17 deadline. Following the Court's December 19 Order, which extended the deadline for Plaintiffs to move for summary judgment, the undersigned mis-calendared the motion's return date. Before the new year, our firm lost several lawyers and paralegals—including our calendaring law clerk. For whatever reason, I calendared the return date of Plaintiff's motion for January 30 rather than January 17. I do not know why I mis-calendared the date, other than that when I reviewed the Court's Memo-Endorsement, I confused the 30-day extension with January 30. [ECF No. 17].

As for the Certified Administrative Record, after following up with the Office of State Review, we received it and are prepared to file it with the Court. Plaintiffs request the Court's permission to file the Certified Record under seal.

I apologize again for any inconvenience caused by my mistake. In accordance with Your Honor's Order, the undersigned requests a two-week extension, nunc pro tunc, to file Plaintiff's motion for summary judgment—from **January 17, 2024**, to **January 31, 2024**.

Plaintiffs ask that all current return dates be extended by two weeks as well. If Plaintiffs' request is granted, the Parties' new briefing schedule would be as follows:

By January 31, 2024:	Plaintiffs shall file their Motion for Summary Judgment;
By February 29, 2024:	Defendants shall file their Opposition and Cross-Motion for Summary Judgment;
By March 28, 2024:	Plaintiffs shall file their Opposition and Reply; and
By April 11, 2024:	Defendants shall file their Reply, if any.

Plaintiffs thank the Court for its courtesy and consideration in this matter.

Respectfully submitted,

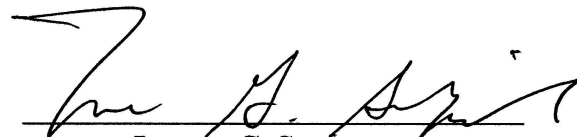
Rory J. Bellantoni

Rory J. Bellantoni (RB2901)

Cc: All Counsel of Record via ECF.

Application GRANTED in part. Plaintiffs shall file their motion for summary judgment by **January 31, 2024**. Defendants shall file their opposition and any cross-motion for summary judgment by **February 29, 2024**. Plaintiffs shall file their opposition and reply by **March 28, 2024**. Defendants shall file their reply, if any, by **April 11, 2024**. All filings shall comply with the page limits set in the November 29, 2023, Order, and with the Court's Individual Rules. Plaintiffs shall file the Certified Administrative Record by **January 25, 2024**. They shall adhere to the Court's Individual Rules for requests to file under seal, including providing justification for the requested seal that is consistent with Second Circuit case law.

Dated: January 22, 2024
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE